

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 12806 of 1995

Between:

Priyadarshini Readymade Fancy Hawkers Sangam,
Vijayawada (Regd.No.84/89), rep.by its President

Shaik Suleman, S/o.Shaik MastaN, age 48 years,

R/o.34-4-23/B, Kasturibaipet, Vijayawada - 10

..... PETITIONER

AND

1 The Municipal Corporation of Vijayawada,

rep.by Municipal Commissioner, Vijayawada .

2 The Andhra Pradesh State Electricity Board, Vidyut Soudha,
Khairathabad, Hyderabad rep.by its Secretary.

3 The Additional Assistant Engineer APSEB, Distribution-II,
Gandhinagar, Vijayawada

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or other order or direction in the nature of writ declaring the action of the 1st respondent in directing the 2nd and 3rd respondents to disconnect power supply given to the petitioner Sangam as mentioned in the letter No.F.19/191/95 Dt.14/6/95 as arbitrary, illegal and without jurisdiction as also the direction of the 3rd respondent to produce no objection certificate from the 1st respondent and declare the impugned action as arbitrary and violative of Art.14,19(1)(g). 21 and 300(A) of the Constitution and consequently direct the respondent not to disconnect the electricity service connection number 63368/12822 of the petitioner Sangam pursuant to the aforesaid letter to the 3rd respondent.

Counsel for the Petitioner: MR.B.NALIN KUMAR, Advocate

Counsel for the Respondent No.1: MR.R.TIMMA REDDY

Counsel for the Respondent Nos.2 and 3 : Mrs. M.Vinobha Devi, SC for AP TRANSCO.

The Court made the following Order :

Priyadarsini Readymade Fancy Hawkers Sangam, Vijayawada, assails the letter dated 14-6-1995 of the third respondent as illegal and without jurisdiction. In nutshell, the case of the petitioner Sangam is as follows. As many as 22 members, are eking out their livelihood by doing hawking business on Sambamurthy Road, Vijayawada. It appears, the Municipal Corporation of Vijayawada, passed a resolution on 7-12-1988 to allot alternative sites to the petitioner Sangam at any place except in old Mangaldeep lane. When the same was not implemented, the petitioner approached this Court and ultimately a Division Bench of this Court in W.A.No.1032 of 1991, dated 3-11-1992 directed the first respondent to implement the resolution dated 7-12-1988. Thereafter the members of the petitioner Sangam were allotted an area admeasuring 6' x 6' each at Sambamurthy Road, beginning from Western side of Sri V.M.Ranga Rao Park. The petitioner Sangam, thereafter approached the third respondent for electricity service connection. The same was granted subject to the petitioner Sangam obtaining 'No Objection Certificate (NOC)' from the owner of the land, namely the first respondent herein. By the impugned letter, the third respondent requested the President of the petitioner Sangam to produce NOC from the Commissioner, Municipal Corporation of Vijayawada, within ten days and the petitioner was informed that the power will be disconnected if the NOC is not produced within the time. Assailing the same, the present writ petition is filed.

Condition No.3 of Revised Conditions of Supply of Power stipulates that whoever seeks power connection has to produce the ownership certificate and even for the licensee, NOC has to be produced from the owner of the land. The petitioner society was supplied power subject to production of NOC from the first respondent Corporation, which is the owner of the land. In that view of the matter, I do not see any illegality in the third respondent demanding the petitioner to produce NOC.

The writ petition is misconceived and accordingly dismissed. No costs.

(V.V.S.RAO, J.)

Dt.14-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Municipal Corporation of Vijayawada,
rep.by Municipal Commissioner, Vijayawada .
- 2 The Andhra Pradesh State Electricity Board, Vidyut Soudha,
Khairathabad, Hyderabad rep.by its Secretary.
- 3 The Additional Assistant Engineer APSEB, Distribution-II,
Gandhinagar, Vijayawada
4. 2 CCs.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.12806 of 1995

Dt.14-07-2004.

(Msr)